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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SELTZER CAPLAN McMAHON VITEK, a Law Corporation, Defendant/Petitioner, vs. DAMON ABNOS, an individual, Plaintiff/Respondent	)	CASE NO. 3:08-cv-00201-WQH-WMc **DECLARATION OF CHRISTOPHER L. LUDMER IN SUPPORT OF DEFENDANT/PETITIONER SELTZER CAPLAN McMAHON VITEK'S MOTION TO REMAND ACTION TO STATE COURT** Judge: Hon. William Q. Hayes Courtroom: 4 (4th Floor) Date: April 1, 2008 Time: 11:00 a.m. **NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT**

I, CHRISTOPHER L. LUDMER, declare and state as follows:

1. I am an attorney with the law firm of Seltzer Caplan McMahon Vitek, attorneys of record for Defendant/Petitioner SELTZER CAPLAN McMAHON VITEK ("SCMV"). I have personal knowledge of the facts set forth in this Declaration and could and would testify competently to those facts if called as a witness.

2. I am the attorney of record for SCMV in the pending action in San Diego Superior Court, *Damon Abnos v. Lee E. Hejmanowski, et al.*, Case Number GIC 864098. The case was opened when Mr. Abnos filed suit as Plaintiff on April 10, 2006.

3. I have reviewed Exhibits 1 through 19 attached to this Declaration, most of which were created or received by me during my representation of SCMV in the state action at law Mr. Abnos filed or the arbitration between Mr. Abnos and SCMV. I am also familiar with the contents of the case files from which I obtained each of those exhibits. Exhibits 1 through 19 are true and accurate copies of the originals they represent.

4. As a result of Mr. Abnos' removal of this pending state action to federal court, I had to perform the following work on SCMV's behalf:

a. Review and analyze the Notice of Removal and attached exhibits (1.7 hours);

b. Conduct legal research and analysis of cases, statutes, and issues (15.5 hours);

c. Review case files and prepare a Motion to Remand and supporting papers and exhibits (33 hours).

The amount of time I spent on the above work as of the date of this Declaration is 50.2 hours. As a Partner at SCMV, my billing rate is $355 per hour. Therefore, the fees incurred by SCMV as a result of removal total $17,821 (50.2 hours x $355).

5. Because SCMV is representing itself in this matter, SCMV has not actually paid out any of the fees stated in paragraph 4, above. However, SCMV has *incurred* those fees as a result of Mr. Abnos' removal. Moreover, every hour I spend on this case is an hour I cannot spend representing other clients of the firm and earning fees in those cases. All of the work in paragraph 4, above, was incurred because of Mr. Abnos' removal of this action to federal court.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on February 26, 2008, at San Diego, California.

[signature]

Christopher L. Ludmer, Esq.